IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5030 of 2007()

CRIME NO.546/07 OF KAYAMKULAM POLICE STATION

: PETITIONER/2ND ACCUSED

SOMAN, CHAKALILL VEEDU,
MUTHUKULAM SOUTH P.O.,
MUTHUKULAM VILLAGE.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE, KAYAMKULAM
POLICE STATION.

2. STATE OF KERLA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5030 of 2007

Dated this the 21st day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused in a crime registered, inter alia, under Sections 468 and 471 I.P.C. The defacto complainant is a person employed abroad. His wife is the 1st accused. The petitioner is related to the defacto complainant. The crux of the allegations is that when the husband was not available in India, the wife, the 1st accused forged withdrawal forms and withdrew large amounts of money from the bank account of the defacto complainant. It is said that to facilitate the commission of crime, some others had also gone with the 1st accused to the Bank and that such persons did impersonate to be the defacto complainant. The petitioner has been arrayed as accused 2. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is not in any way shown to be connected with any crime committed by the 1st accused. He has been unnecessarily arrayed as an accused. The defacto complainant has not raised any specific allegation against the petitioner. The 1st accused has made no confession implicating the petitioner in any crime. The learned

counsel for the petitioner in these circumstances prays that the 2nd accused may be granted anticipatory bail.

3. Notice was given to the learned Public Prosecutor . The learned Public Prosecutor was requested to pointedly explain the culpable or contumacious role if any of this petitioner, the 2nd accused in the crime allegedly committed by the 1st accused. The learned Public Prosecutor fairly submits that the State has no objection in anticipatory bail being granted to the petitioner, the 2nd accused subject to appropriate contentions. No specific allegations are raised against the petitioner. I am satisfied, in these circumstances, that anticipatory bail can be granted to the petitioner.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 30.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 31.08.2007 and 01.09.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 30.08.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 30.08.07.

(R.BASANT, JUDGE)

rtr/-